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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003181

SIPDIS

DEPARTMENT FOR NEA/I

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TAGS: [PGOV](#) [PREL](#) [KTER](#) [IZ](#)  
SUBJECT: SALAH AD DIN'S PROVINCIAL GOVERNOR DISPUTE HEATING  
UP

REF: BAGHDAD 2847

Classified By: David C. Stewart, PRT Team Leader, for reasons: 1.4 (b)  
and (d)

[¶1.](#) (U) This is a Salah Ad Din Provincial Reconstruction Team  
(PRT) message.

[¶2.](#) (C) Summary. Political maneuvering both in Baghdad and in  
the Salah Ad Din Provincial Government (PG) have led to an  
increasingly tense impasse in the province. Since the Iraqi  
Supreme Court upheld the Salah ad Din (SaD) Provincial  
Council (PC) decision to remove its governor in late October  
(reftel), the PG has been finding it increasingly difficult  
to carry out official business; SaD citizens are becoming  
frustrated at the lack of PG action on issues of concern to  
them; and violence has started to surface. The death by  
suicide bombing on December 3 of the province's top Counter  
Terrorism Police Officer, LTC Ahmed Subhi al-Fahel, and an  
apparent assassination attempt on the PC Chairman's young  
cousin are grim reminders that politics in Iraq can be  
deadly. Conflicting actions at the national level have  
muddled the question of who is the governor of SaD. The  
apparent support by the PM for the Ex-PGov after the Supreme  
Court declared him out of office has brought the provincial  
government to a standstill. End summary .

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Background  
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[¶3.](#) (SBU) Following the Iraqi Supreme Court decision to  
uphold the Salah ad Din (SaD) PC,s decision to remove its  
governor in late October (reftel the PC adhered to the  
Provincial Powers Law (PPL) and appointed Deputy PGOV Ahmed  
Abed-al-Jabar as Acting PGOV ("A/PGov") until the PC could  
hold a proper election to replace the Ex-PGov. The PC held a  
public election with TV cameras rolling to publicize the  
transparency of the vote (22 PC members were present; the  
rest, from the Iraqi Islamic Party supporting the Ex-PGov,  
boycotted). Once the votes were counted, Khalid Hassan Mahdi  
Salih won with 20 of 22 votes to become the new PGOV  
("PGov-Elect"). The Ex-PGov then lobbied PM Maliki, who  
wrote a letter saying the Ex-PGov should remain Governor  
until all legal questions were resolved. The resulting power  
struggle between the Ex-PGov and PC Chairman who oversaw his  
ouster is becoming increasingly tense and bringing the  
provincial government to a near standstill.

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Current Situation  
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[¶4.](#) (C) The Ex-PGov has refused to leave office, insisting he  
is the rightful officeholder. He has surrounded himself with  
a security force reportedly larger than that which Saddam  
used to travel with, which consists neither of Iraqi Army nor  
Iraqi Police. Before he was killed by a suicide bomb last  
week, top Counter Terrorism Police Officer in SaD LTC Ahmed

Subhi al-Fahel, told the A/PGov that he recognized some of the Ex-Gov's bodyguards as members of an insurgent movement he was pursuing. He had been planning to identify those individuals to the A/Gov but was killed before he could do so.

15. (C) The PRT has been regarding the A/PGov as the legitimate governor since the Ex-PGov removal from office was upheld by the Supreme Court. However, on December 7 the Ex-PGov arrived uninvited at a Provincial Joint Coordinating Center (PJCC) event in Tikrit sponsored by a retired IA General and attended by both the Salah ad Din's 4-1 Brigade Commander and the PRT, referring to himself as the active PGov. He imposed himself on the Brigade Commander with invitations to visit, trying to seek in any fashion acknowledgment from a Coalition Forces (CF) representative that he is the PGov.

16. (C) In other signs of tension and attempts at intimidation, about two weeks ago, the PC Chair's 17-year old cousin was shot and brought to Tikrit Teaching Hospital (TTH) for treatment. The PC Chair called the 4-1 Commander asking for assistance. The Brigade Surgeon traveled to TTH, assessed the patient's condition and immediately brought him to Contingency Operating Base (COB) Speicher's Contingency Support Hospital (CSH), saving the boy's life. Initial reports were that it was an accidental shooting, but the angle of bullet entry, per the Brigade Surgeon, is evidence that the near-deadly wound was intentional.

17. (C) The PC Chair, who is currently out of the country, has told both the 4-1 Commander and the PRT he intends to issue a warrant for the Ex-PGov's arrest. The issue, however, is enforcement, and the PC Chair has asked for CF backup assistance, citing a desire to avoid bloodshed. He told A/PGOV he wants to go in and arrest the Ex-PGov once he

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returns from Europe, but the A/PGov has cautioned the PC Chair against this approach given the Ex-PGov's large security force.

18. (C) The A/PGov has been walking a fine line trying to carry out provincial business while trying to avoid riling up the Ex-PGov, since they appear together sometimes at official functions and have an official working relationship. He has expressed great frustration over both the embarrassment of the impasse and the inability of the SaD provincial government to move forward to address the many issues the Province faces because of the standoff. He has said that if the Office of the Presidency can sign a Republican Decree acknowledging the PGov-Elect, Ex-PGov Mutashar would respect that. But he also believes that politics in Baghdad has delayed issuance of the decree by the Presidency Council which would authorize the Governor-elect to take office.

19. (C) On December 9, Presidency Council Secretary General Nasser al-Ani told Poloff that the Presidency Council had received a letter in late November from COR Speaker Samarra'i requesting that the Presidency Council delay issuing a decree on the election of the new governor. Ani said the Presidency viewed the situation as a dispute between the COR and the SAD PC. He understood that the only issue for the COR was its belief that the PC Chair did not have the necessary qualifications to be a PC member (reftel) and because he had chaired the session which resulted in the former governor's removal, the removal was invalid. Ani said the next action would be by the COR but he was uncertain whether it would issue a resolution or whether it would pursue the issue in court. Poloff noted the heightened tensions between the former governor and the PC and recommended the COR be encouraged to act promptly in addressing the matter.

110. (C) On the question of whether a Presidency Council decree was required following a PC vote to remove a governor, Ani said that since it was customary for such decrees to be issued following a wide variety of actions that the Presidency's view was that it was also appropriate following

a removal vote. Ani said this seemed particularly appropriate since a decree was required to vote to select a governor.

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COMMENT  
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¶11. (C) The atypical support by PM Maliki for the Sunni ex-governor after the Supreme Court upheld his dismissal is evidence that politics in SaD often divides along religious/secular lines, rather than along Sunni-Shia-Kurd lines. The real issue is who is religious and who is secular. The PC Chair has upset IIP types by declaring he will build night clubs in Tikrit once the economy gets off the ground, for example, but others with a secular view say a religion-based government would be bad for Iraq. The Ex-PGov is religious, while the PC Chair, A/PGov, PGov-Elect are all secular.

¶12. (C) The delay in resolving the issue of who is the governor of SaD has meant provincial government business is not getting done. Retired General Issa told PRToffs that possessed a letter from the PC Chair to all relevant offices to not honor anything signed by Ex-PGov, as well as a similar letter from Ex-PGov to not honor anything signed by the PC Chair. As such, banks in SaD are not honoring the Ex-PGov's signature on provincial checks and contractors are not getting paid for their work. A/PGov told PRToffs that in one case the Ex-PGov sent some of his security personnel to beat up a banker for not cashing government checks. Other important provincial business, such as replacing the DGs for Qimportant provincial business, such as replacing the DGs for Health and Education, is languishing because of political jockeying between the IIP and the rest of the Council. The result for SaD is a spiral down into PG gridlock, with an ever increasing chance for violence. End Comment.  
HILL